

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JUDITH B. MEMBLATT,

Plaintiff,

-against-

05-CV-1021  
(RJD)(LB)

JAIME A. RIOS, Associate Jusitce,  
Appellate Term, Supreme Court, State  
of New York, 2<sup>nd</sup> and 11<sup>th</sup> Judicial  
Districts, STEVEN W. FISHER, Associate  
Justice, Appellate Division, Supreme  
Court, State of New York, 2<sup>nd</sup> Department,  
JONATHAN LIPPMAN, Chief Administrative  
Judge of the Courts of the State of  
New York, LAUREN DeSOLE, Director of  
the Division of Human Resources, New  
York State Unified Court System, Office  
of Court Administration, ANTHONY  
D'ANGELIS, Chief Clerk, Supreme Court  
State of New York, Queens County,  
ROBERT W. GARDNER, Major of Officers,  
Supreme Court, State of New York,  
SANDRA NEWSOME, Secretary to Judge,  
Supreme Court, State of New York,  
HEIDI HIGGINS, Secretary to Judge,  
Supreme Court, State of New York,  
KAREN KOSLOWITZ, Deputy Borough  
President, County of Queens, City of  
New York, THOMAS J. MANTON, GERARD  
J. SWEENEY and MICHAEL H. REICH,

Defendants.

**NOTICE OF CROSS-MOTION  
FOR RECONSIDERATION**

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**PLEASE TAKE NOTICE** that upon the accompanying Memorandum  
of Law, dated December 6, 2006, and all prior pleadings and  
proceedings herein defendants, the Honorable Jaime A. Rios; Lauren  
DeSole; Anthony D'Angelis; Robert W. Gardner; Sandra Newsome; and  
Heidi Higgins (collectively "State Defendants") by their attorney,  
Eliot Spitzer, Attorney General for the State of New York, will

move this Court by submission before the Honorable Raymond J. Dearie, United States District Judge, at the United States Courthouse, located at located at 225 Cadman Plaza East, Brooklyn, New York 11201, for an order granting State defendants' cross-motion for an order pursuant to Federal Rules of Civil Procedure 59 and Local Rule 6.3 for reconsideration of this Court's Order, dated November 14, 2006, to the extent it did not dismiss plaintiff's Fifth, Sixth and Seventh Claims and defendants Higgins and Gardner from the case and for such other and further relief this court deems just and proper.

Dated: New York, New York  
December 6, 2006

Eliot Spitzer  
Attorney General of the  
State of New York  
Attorney for State defendants  
By:

/s

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Constantine A. Speres (CAS-9100)  
Assistant Attorney General  
120 Broadway  
New York, New York 10271  
(212) 416-8567

To: Judith B. Memblatt  
Plaintiff Pro Se  
98-51 65<sup>th</sup> Avenue  
Apt. 2-A  
Rego Park, New York 11374

Madeleine S. Egelfeld, Esq.  
Attorney for Defendant Koslowitz  
125-10 Queens Boulevard  
Suite 311  
Kew Gardens, New York 11415

John Quinn, Esq.  
Renfroe & Quinn  
Attorneys for Defendants Manton, Sweeney and Reich  
118-35 Queens Boulevard  
14<sup>th</sup> Floor  
Forest Hills, N.Y. 11375

**DECLARATION OF SERVICE**

CONSTANTINE A. SPERES pursuant to 28 U.S.C. § 1746,  
declares under penalty of perjury as follows:

That on December 6, 2006, I served the annexed Notice of  
Motion of Law on:

Judith B. Memblatt  
Plaintiff pro se  
98-51 65<sup>th</sup> Avenue  
Apt. 2-A  
Rego Park, New York 11374

Madeleine S. Egelfeld, Esq.  
Attorney for Defendant Koslowitz  
125-10 Queens Boulevard  
Suite 311  
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Attorneys for Defendants Manton,  
Sweeney and Reich  
118-35 Queens Boulevard  
14<sup>th</sup> Floor  
Forest Hills, N.Y. 11375

by depositing a true and correct copies thereof, properly enclosed  
in a postpaid wrapper for overnight delivery via Federal Express,  
in a Federal Express Box maintained at 120 Broadway, New York, New  
York 10271, directed to said person(s) at the address within the  
State designated by them for that purpose and/or in accordance with  
the Eastern District's Rules On Electronic Service.

/s

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CONSTANTINE A. SPERES

Executed On December 6, 2006